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**STATE OF ALASKA, DEPARTMENT OF COMMERCE,
COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF MARINE PILOTS**

MINUTES OF MEETING

April 17-18, 2008

Westmark Baranof Hotel - Juneau, Alaska

By the authority of AS 08.01.070(2), AS 08.62.030, and in compliance with the provisions of provisions of AS 44.62, Article 6, a meeting of the Board of Marine Pilots was held April April 17-18, 2008 in Juneau, Alaska.

April 17, 2008

Call to Order/Roll Call

The meeting was called to order at 1330 by Chairman Austerman and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum was:

Mr. Robert Arts	- Agent Member
Mr. Joe Austerman	- Commissioner's Designee
Captain Dale Collins	- Pilot Member
Mr. Les Cronk	- Agent Member
Mr. Joseph Miller	- Public Member
Captain Mike O'Hara	- Pilot Member
Mr. Jack Poulson	- Public Member

Staff present was:

Renda Heimbigner, Marine Pilot Coordinator (MPC)

Guests present were:

Captain Frank Didier	SEAPA
Captain Richard Gurry	SEAPA
Captain Greg Styrk	SEAPA
Captain Doug Sturm	SEAPA
Natalia Razumnoff	Seatrade
Captain Cees Deelstra	Holland America Lines
Captain David Arzt	AMP
Captain Jeff Pierce	SWAPA

Captain Norbert Chaudhary	SEAPA
Captain Phil Taylor	SEAPA
Captain Mike Anthony	AMP
Kate Tesar	ASA
Dan Blackmore	ALAMAR
Jim Lee	ALAMAR
Captain Ed Sinclair	SEAPA
Captain Josh Weston	SWAPA
Ron Hildebrandt	Trident Seafoods
Captain Carter Whalen	AMP
Benee Braden	AMP
Captain Alan Wilson	Princess Cruises
Captain Hans Antonsen	SEAPA
Captain Larry Vose	SEAPA
Captain Joe Martin	SWAPA
David Zezula	NOAA
Captain Pete Garay	AMP

Review / Set Agenda

No changes were made to the agenda.

Declaration of Potential Conflicts of Interest / Recusals

No conflicts or recusals were reported.

Agenda Item 1

Review / Approve Minutes

Mr. Cronk asked for clarification to the January minutes, specifically Page Five, Item Six, Yacht Committee. He questioned the motion, explaining his understanding was to request information rather than impose requirements for exemption from pilotage. The MPC gave verification of the meeting audio. Discussion for AIS as a requirement for the exemption ensued. Captain O'Hara offered a second correction to the minutes concerning a typographic change. Mr. Cronk asked the yacht application be added as a new agenda item. On a motion by Mr. Cronk, seconded by Mr. Arts, and carried unanimously, it was

RESOLVED to add a review of the yacht application to the agenda.

On a motion by Captain O'Hara, seconded by Mr. Poulson, and carried unanimously, it was

RESOLVED to accept the January minutes with typographical correction.

Public Comment on non-agenda items

No comments were offered.

Agenda Item 2

Business Items

Budget - The Board reviewed their expenditure and revenue report as provided by the Department. Items noted were revenues and legal fees. The biennial license cycle was noted. Mr. Miller requested more detail for legal expenses at the next meeting.

Investigations - The MPC reported one investigation open and all Consent Agreements compliant. A brief discussion for anticipated reports on the Cosco Busan incident followed.

Simulator Databases - The MPC gave a summary of the process to release state-owned simulator databases to interested facilities and noted the latest request by Maritime Pilots Institute in Louisiana. Captain O'Hara gave a brief history on the development of the databases. Discussion for technological advances followed. Mr. Poulson encouraged the process remain open to all facilities.

Drug and Alcohol Testing - The MPC reported that all three pilot associations had adopted reporting procedures recommended by Legislative Audit for drug and alcohol testing ensuring the Pilot Board had full disclosure. In addition, a data collection report will now be provided to the U.S. Coast Guard by the MPC on an annual basis.

Correspondence - The Board gave note to a letter from Captain Scott Jones which outlined his positive experience with Alaska Vocational Technical Center in Seward during a class in ship handling. Separate items of correspondence included two news reports concerning the allision of the Cosco Buscan with the San Francisco Bridge. Mr. Arts pointed to the Boards liability in such issues and encouraged a great amount of consideration be given testing for cognitive and 'cause.'

Tentative Meeting & Exam Dates – Meeting dates for July and October were discussed. Individual conflicts and preferences noted. It was agreed to meet in Anchorage for the October meeting with confirmation on dates pending meeting space. July remained as a teleconference.

Agenda Item 3

Training Pilot Endorsements - Captain Frank Didier, representing Southeast Alaska Pilots Association Training Committee, gave testimony to training pilot endorsements for Captains Doug Hanson and Jim Cathcart. After review of

requirements by regulation and on a motion by Mr. Cronk, seconded by Mr. Miller, it was

RESOLVED to approve Captain Doug Hanson and Captain Jim Cathcart for Training Pilot endorsements.

Agenda Item 4

Training Programs and Training Updates

AMP - Captain Carter Whalen, representing Alaska Marine Pilots Training Committee, explained proposed changes to their in-house Training Program which allowed more flexibility for changing vessel patterns. The new language included specific training maneuvers in Captains Bay, Dutch Harbor, Naknek, Clarks Point and Togiak under Paragraph B. Whalen further explained the changes were presented in lieu of substitutions previously utilized which required Board approval with each applicant. On a motion by Captain Collins, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to accept the proposed changes to AMP's Training Program.

Captain Whalen also reported that AMP had accepted two apprentices and one new deputy trainee into their training regime. He added that Captain David Lund was prepared to test for his Local Knowledge Exam in July.

SEAPA - Captain Didier presented specifics to progress by SEAPA trainees and anticipated training pilot endorsements. The results of their recent application process had produced six successful candidates who were in-process for induction. Captain O'Hara asked about the decision to outsource their application procedure. Captain Didier explained the challenges to in-house aspects as opposed to an objective pass-fail process by a third party. He added that their process contained an exam component, simulation, sea time matrix and physical testing which utilized independent assessors. "The process is not meant to be selecting people that are proficient in piloting," he said, "but rather people that meet a criteria they are being selected from. That means top candidates of people from various backgrounds are selected."

SWAPA - Captain Jeff Pierce, President of Southwest Alaska Pilots Association, presented revisions to continuing education within their Training Program which they felt allowed more participation in same classes by more members. He clarified that the changes mirrored those requirements listed in SEAPA's Training Program and it was felt they were positive additions. Pierce also requested Captains Martin and Weston be allowed take their Local Knowledge Exams prior to completion of their last maneuver, but only be issued their Deputy Marine licenses when those maneuvers were accomplished. The MPC explained that a

letter from SWAPA detailing that request awaited the Boards attention. On a motion by Mr. Arts, seconded by Captain O'Hara and carried unanimously, it was

RESOLVED to approve revisions to SWAPA's Training Program.

The Board took a break at 1545 and reconvened at 1557.

Agenda Item 5

Committee Reports

Good Cause - Mr. Miller summarized the committee's work and subsequent letter which was sent to cruise line companies. The letter outlined requirements by Alaska law requiring the employment of a pilot, the responsibilities of a pilot, and the process of acquiring a pilot. Special attention in the letter was given to 'cause' when relieving or refusing a pilot and the subsequent process for such a situation. The MPC added that vessel agents and pilot associations would also receive copies of the letter. Mr. Miller reported the committees work for the time being was done.

Core Exam - Captain Larry Vose gave testimony to the final stages of work performed on the Core examination, resulting in 200 revised questions. It was agreed the committee could disband. Discussion followed for the three regional Local Knowledge Exams. It was agreed those exams would be considered as a new business item in the future and the MPC was directed to pursue a bid to determine the cost.

Foreign Pleasure Craft - Mr. Poulson, Committee Chair, noted work towards improving inter-agency cooperation to assist the flow of information for visiting pleasure craft. The MPC summarized meetings with harbor masters, U.S. Customs officials, U.S. Coast Guard and State Troopers in Ketchikan and Sitka. Discussion followed. Mr. Cronk shared the efforts of his company to advertise the State's requirement for compulsory pilotage. Captain O'Hara expressed his concern for foreign masters who had not read the applicable Coast Pilot before transiting Alaska waters. Mr. Poulson reminded the Board of its requirement to review the navigational and safety information provided by vessel agents to foreign pleasure craft who had received an exemption from pilotage. A checklist of materials provided by both North Pacific Maritime (YSA) and Alaska Maritime Agencies was provided. Discussion ensued. Mr. Poulson suggested approval of the lists provided and allow further development. Mr. Arts agreed that he and Mr. Cronk could meet and provide a 'blended' list to the MPC. On a motion by Captain O'Hara, seconded by Mr. Arts and unanimously approved, it was

RESOLVED to approve the list of navigational and safety information as presented by North Pacific Maritime (YSA) and Alaska Maritime Agencies for 2008 in accordance with AS 08.62.180.

Mr. Poulson suggested the Board revisit onboard navigational equipment as requested by Mr. Cronk earlier in the meeting. Discussion followed. Captain Hans Anderson, SE Pilot and Board Member for Alaska Marine Exchange, addressed AIS as a requirement for exemption from pilotage. He expressed concerns for maritime security and encouraged the Board to consider it an important item. Captain O'Hara explained an AIS (Automated Independent Surveillance) transponder can provide the vessel name, speed, course, vessel type and next port of call. Mr. Cronk was concerned the Board did not have authority to deny an application to a vessel not having AIS without additional regulation. Discussion followed. Captain Michael Terminel from Edison Chouest Offshore gave a reading of CFR 33.164.46 which addressed AIS on vessels of 65' in length or greater. On a motion by Mr. Poulson, seconded by Mr. Cronk, with objection from Captain O'Hara and Captain Collins, it was

RESOLVED to rescind the previous vote by the Board which required certain onboard navigational equipment for foreign pleasure craft to receive an exemption from pilotage.

On a motion by Mr. Poulson, and carried unanimously, it was

RESOLVED to include a request for statement of onboard navigational equipment within the application for exemption from pilotage for foreign pleasure craft.

It was agreed the Yacht Committee would explore issues of federal and State requirement for AIS on pleasure craft.

Pilot Assessment - Captain O'Hara gave a brief summary of highlights from that morning's committee meeting for Pilot Assessment. He elaborated on a cognitive test called MMSE and added that Pilot Associations were asked to address 'peer review.' He volunteered to take another cognitive test and asked that others do the same. Captain Larry Vose gave a report on other State Pilot Commissions and their pilot physical examination requirements, noting that majority used the USCG form while Washington, Hawaii, Oregon and Alaska use their own to supplement or replace the CG's. He explained efforts by the committee to give the Board a process and tools to make informed decisions on pilot performance issues. He felt cognitive testing was the 'cart before the horse' for identifying a performance or fit-for-duty issue and encouraged a 'big picture' approach to assessment. Captain O'Hara agreed and noted the committee would work from a

red-flag incident to an assessment, including both cognitive and physical. Discussion followed. It was agreed the committee's work should continue.

On a motion by Mr. Poulson, seconded by Mr. Miller, and carried unanimously, it was

RESOLVED to adjourn to Executive Session to conduct oral examinations of Deputy Marine Pilot candidates, Phil Taylor, Norbert Chaudrey, Joe Martin and Josh Weston.

Agenda Item 6 **Executive Session**

The Board moved to Executive Session at 1610 and returned at 1658.

On a motion by Mr. Cronk, seconded by Mr. Miller, and carried unanimously, it was

RESOLVED to approve Captain Norbert Chaudhary for Deputy Marine Pilot license.

On a motion by Mr. Miller, seconded by Mr. Poulson, and carried unanimously, it was

RESOLVED to approve Captain Phil Taylor for Deputy Marine Pilot license upon receipt of his current USCG license with radar endorsement.

On a motion by Captain O'Hara, seconded by Mr. Cronk, and carried unanimously, it was

RESOLVED to approve Captain Josh Weston for Deputy Marine Pilot license upon completion of his final maneuvers and letter from Pilot Association.

On a motion by Mr. Arts, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to approve Captain Joe Martin for Deputy Marine Pilot license upon receipt of his final maneuvers and letter from Pilot Association.

The MPC asked that Board members review two yacht applications in their meeting packets. On a motion by Mr. Miller, seconded by Mr. Cronk, and carried unanimously, it was

RESOLVED to approve exemptions from pilotage for the M/Y ICE BEAR and M/Y ALUMERCIA.

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On a motion by Captain O'Hara, seconded by Mr. Poulson, it was

RESOLVED to recess until 0830 the following morning.

The Board recessed at 1726.

April 18, 2008

Call to Order/Roll Call

The meeting was called to order at 1330 by Chairman Austerman and the Marine Pilot Coordinator (MPC) conducted roll call.

Members present constituting a quorum was:

Mr. Robert Arts	- Agent Member
Mr. Joe Austerman	- Commissioner's Designee
Captain Dale Collins	- Pilot Member
Mr. Les Cronk	- Agent Member
Mr. Joseph Miller	- Public Member
Captain Mike O'Hara	- Pilot Member
Mr. Jack Poulson	- Public Member

Staff present was:

Renda Heimbigner, Marine Pilot Coordinator (MPC)
Gayle Horetski, Assistant Attorney General (AAG)
Steven Mulder, Assistant Attorney General, Environmental Section
Jennifer Schorr, Assistant Attorney General, Environmental Section
Jun Maiquis, Regulations Specialist

Chairman Austerman opened the floor to public testimony for proposed regulation changes to 12 AAC 56.100. The first to speak was Andy Mack representing the Mayor of the North Slope Borough. He asked the Board to be assertive and set the safety bar for operations in the Arctic as high as possible to protect the residents along the coast. He expressed concern for subsistence activities from offshore and shipping operations.

Kate Tesar, State Director for the Alaska Steamship Association, presented issues of concern in opposition to the proposed change to regulation, citing the Board's authority, level of polar ice experience by current Pilots in the region and the lack of discussion on the topic. She asked that the proposed regulation be tabled until

the October Pilot Board meeting when input from stakeholders could be gathered and analyzed.

Dr. Chris Krenz, Arctic Project Manager for OCEANA, expressed support for discussion of Arctic shipping, given the recognized changes that were occurring. In addition, he stated support for having Pilots on board the vessels as a preventative measure for protection of marine ecosystems and opportunities for subsistence way of life. He asserted the State of Alaska had extreme stewardship.

Benee Braden, representing Alaska Marine Pilots, invited the Board to attend the Northern Research Forum scheduled in September. She reported the event to be an international collection of scientists, government representatives, economists and politicists gathering to discuss the impacts on the Arctic given receding polar ice. She also encouraged the Governor be made aware of the future arctic emphasis and fill the soon-to-be-vacant public seat on the Board accordingly.

Captain Mike Terminel from Edison Chouest Offshore gave support for a proper ice regime as agreed by industry, pilots, State of Alaska and people of North Slope Borough. He voiced opposition for the amendment, feeling it did not allow for right of international passage. Additional areas of concern were conflicting rules at the conn on foreign vessels, experience for piloting in ice and jurisdiction over the Chukchi and Beaufort Seas. He encouraged work to establish an effective and safe ice regime before all else. Questions followed.

Rick Fox, Asset Manager for Shell Exploration & Production, gave testimony to his company's history for operating in many arctic regions, including Alaska. He supported dialog by key players for a proactive approach and suggested the Board defer action on the proposed amendment to remove it as a distraction. He felt the stakeholders could work together while allowing the Board to check their progress, then act accordingly. Also representing Shell, Assistant Marine Contracts Manager Captain Lynn Melin agreed to the number of interested parties and supported management of the Arctic. She noted work done by industry and the Canadian government.

Captain Pete Garay, President of Alaska Marine Pilots, explained how his association envisioned pilotage in the Arctic beginning with one pilot embedded as the State's scout during activities in 2008. At the completion of the drilling season, he suggested a first-draft blue print which would identify manpower needs and training, and a wiring diagram for regulatory compliance. He noted conventional exemptions from pilotage would need adjusting for the Arctic and emphasized AMP's ability to work within challenging logistics. He recommended keeping the proposed amendment under consideration. Questions followed.

Captain Jeff Pierce, President of Southwest Alaska Pilots Association, recommended meetings between Shell, BP, Conoco, USCG, North Slope Borough, Pilots and the Congressional Delegation for a report to the Board in October. He agreed that keeping the amendment alive would allow for discussion and planning. He cited his association's success in working with groups following the Exxon Valdez spill and pledged the same support.

Representing the World Wildlife Fund in Alaska, Margaret Williams addressed shipping safety in arctic countries. She expressed support for the proposed amendment and agreed with setting the bar high for safety, citing the need for marine pilots in that equation. Noting rapid changes in the Arctic, she felt significant changes were needed in standards for oversight and prevention of incidents in the region.

With no further comments, the Chairman closed the public hearing.

The Board moved for a break at 0953, then reconvened at 1007.

Discussion by the Board commenced. Mr. Miller noted the Board's options and cited the independent duty of the Board to provide safe pilotage to ensure inland coastal waters be protected. He supported tabling the amendment until October to allow for more dialogue and additional research. Questions for current language and agreement among the parties arose. Mr. Cronk spoke for striking the amendment and adding the subject to October's agenda. Captain Collins asserted the Pilot Board was the lead agency and within their right to regulate adjacent waters. Discussion continued. Captain O'Hara motioned to table the regulation until October. Captain Collins offered an amendment to the motion for amended language and re-noticing. AAG Gayle Horetski explained that the Board, within the regulatory process, could re-issue a public notice to re-open public comment with another hearing. Questions arose. Ms. Horetski shared technical amendments suggested by Department of Law for polishing the proposed regulation, including definition added to 12 AAC 56.990.

Mr. Miller expressed concern for needed changes to the regulation and felt hesitant to vote. Discussion followed. On a motion by Captain Collins, seconded by Mr. Poulson, with objection from Mr. Miller, Mr. Cronk and Mr. Arts, and by roll call vote 4-3, it was

RESOLVED to accept the AG's conforming amendments to 12 AAC 56.090, 12 AAC 56.100 and 12 AAC 56.990.

Arts	No
Austerman	Yes
Collins	Yes

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Cronk	No
Miller	No
O'Hara	Yes
Poulson	Yes

On a motion by Captain Collins, seconded by Mr. Miller, with objection from Mr. Cronk and Mr. Arts, it was

RESOLVED to public notice the amended language to 12 AAC 56.090, 56.100 and 56.990.

Discussion for October's meeting followed.

On a motion by Mr. Miller, seconded by Captain O'Hara, and carried unanimously, it was

RESOLVED to adjourn the meeting.

Meeting was adjourned at 1045.

Respectfully submitted:

Renda Heimbigner
Marine Pilot Coordinator

Joe Austerman, Chairman
AK Board of Marine Pilots